

REMARKS/ARGUMENTS

In view of the remarks herein, favorable reconsideration and allowance of this application are respectfully requested. Claims 1-15 are pending for further examination.

Claims 1-2, 4-5, 7, 11-12, and 15 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Oakes et al. (U.S. Publication No. 2003/0181241) in view of Suzuki (U.S. Patent No. 5,356,156). This rejection is respectfully traversed for at least the following reasons.

The Final Office Action admits that Oakes does disclose the evaluating value setting programming logic circuitry and the size changing programmed logic circuitry limitations recited in claim 1, and introduces Suzuki to make up for these deficiencies with respect to Oakes. However, Applicant once again respectfully submits that this rejection is improper.

Suzuki discloses three embodiments, as summarized in col. 7, lines 23-49 thereof. In Suzuki's first embodiment, plural frames of background pictures across which characters can move are displayed on a single screen. If the distance between the characters is increased, the background images may also change. As Suzuki makes clear, changing plural background images in this way helps players grasp the distance between characters, since the positional relation between the characters is more accurately displayed. Accordingly, this first embodiment of Suzuki appears to suggest changing the size of background images on a screen in dependence on the positional relation of the characters. However, it does not teach or suggest changing a size of a divided area of the

screen in dependence on how well each player is doing in the game relative to the other players.

In Suzuki's second embodiment, the tilt of the boundary line between the frames of background pictures on which characters appear may be modified in dependence on the heights or vertical positions of the characters. As Suzuki makes clear, changing plural background images in this way helps show players when characters are in the air or on the ground. Accordingly, this second embodiment of Suzuki appears to suggest changing the tilt of the dividing line between background image frames on a screen in dependence on the vertical positions of the characters. But whether a character is in the air or on the ground has nothing to do with relative advantages of one character over another. Thus, the second embodiment of Suzuki does not teach or suggest changing a size of a divided area of the screen in dependence on how well each player is doing in the game relative to the other players.

The third and final embodiment of Suzuki appears to be the only embodiment in dispute. According to the Final Office Action, the claim limitation "how well each player is doing in the game relative to the other players" is a measure of relative advantage of one player over another. Applicant does not necessarily disagree with this interpretation of the claim language. The Final Office Action goes on to state that "[b]ecause successful attack maneuvers create a scoring and life meter advantage for the offensive player, the offensive player may be said to be 'doing better than' the attacked, or defensive, player." This position is not entirely unreasonable -- although Applicant

respectfully points out that it is completely unsupported by the teachings and suggestions of Suzuki.

What Applicant does disagree with is the Final Office Action's contention that the third embodiment of Suzuki "discloses evaluating a player to determine if the player is an offensive, i.e. superior, situation or defensive, i.e. inferior, situation relative to the other player. . . ." The Final Office Action cites to col. 6, lines 45-56 for this purported teaching of Suzuki. However, when read in context with the following four paragraphs, it becomes clear that this portion of Suzuki does not support the Final Office Action's argument. In fact, the third embodiment of Suzuki actually teaches changing the size of the background picture based on the location of moving object D. Indeed, as shown in Fig. 8 and explained in its accompanying text, even though character A is on offense and character B is on defense, the background image b will be increased in size once the moving object D exits background image a, which will then be decreased in size. According to Suzuki, this choice to resize the background picture based on the location of the moving object D allows the match to be "represented with greater reality, thus increasing the fun" (col. 7, lines 21-22) and depicts "the tense atmosphere produced on offense and defense" (col. 7, lines 47-49). Thus, even if the Final Office Action's interpretation of an attacking player having an advantage over a defending player were correct, Suzuki still would not meet this limitation.

Accordingly, Applicant respectfully submits that the alleged combination of Oakes and Suzuki does not render obvious claims 1-2, 4-5, 7, 11-12, and 15.

Claim 3 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Oakes and Suzuki, in further view of Kaneko et al. (U.S. Patent No. 5,879,235). However, the introduction of Kaneko does not make up for the fundamental deficiencies of the Oakes/Suzuki combination.

Claim 6, 9-10, and 13-14 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Oakes and Suzuki, in further view of Sciammarella et al. (U.S. Patent No. 6,608,633). This rejection is respectfully traversed for at least the following reasons.

Claim 6 should be allowable based at least on its dependency from allowable claim 1, as Sciammarella does not cure the noted deficiencies of Oakes/Suzuki with respect to claim 1.

Independent claims 9-10 and 13-14 each recite “determining whether or not there is a player who ends the game out of the participating players” and “re-partitioning said display area by the number of the remaining players when determined by said determining step that there is a player who ends the game, and allotting the re-partitioned areas to the remaining players in accordance with how the remaining players are performing in the game relative to one another,” or variations thereof. The Examiner admits that the Oakes/Suzuki combination does not disclose determining whether or not there is a player who ends the game out of the participating players, wherein the screen is re-partitioned by the number of players, and the sizes of the new areas are determined based on relative evaluations of remaining players, and introduces Sciammarella to make

up for this deficiency with respect to the Oakes/Suzuki combination. However, the alleged combination still does not render obvious claims 9-10 and 13-14.

Sciammarella relates to “a method and structure for the display of categorical information on a display screen, utilizing scale and location to express the degree of importance of a particular category over other categories of categorical information with respect to a selected measurement value.” According to the Final Office Action, “[t]his feature is analogous to display areas of differing sizes displaying game characters in accordance with some evaluated status of each character, as relative superiority or inferiority of a character’s situation may be equated with the relative ‘importance’ of each character.” But regardless of whether one entertainment channel or program in Sciammarella is performing “better” than another, Sciammarella clearly does not teach or suggest adjusting the size of a display based on players doing better or worse than one another in a game. The “importance” of one channel or program compared to another simply is not analogous to the “performance” of one player in a game compared to another playing the same game.

Moreover, inasmuch as there are no players in Sciammarella at all, it thus also fails to teach or suggest the end determining programmed logic circuitry and re-partitioning programmed logic circuitry recited in claim 9, or the corresponding features of claims 10 and 13-14. A program or channel in Sciammarella cannot be “ended” in the same way that a player’s participation in a video game can be “ended” (e.g., by having a character killed, having the apparatus restarted or powered off, etc.).

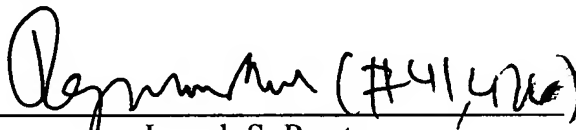
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Accordingly, Applicant respectfully submits that the alleged combination of Oakes, Suzuki, and Sciammarella does not render obvious claims 6, 9-10, and 13-14.

In view of the foregoing remarks, withdrawal of the rejections and allowance of this application are earnestly solicited. Should the Examiner have any questions regarding this application, or deem that any formalities need to be addressed prior to allowance, the Examiner is invited to call the undersigned attorney at the phone number below.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:  (#41,426)
Joseph S. Presta
Reg. No. 35,329

JSP:jr
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100